UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,244	07/15/2003	Kyoung Ho Choi	51876P371	1275

8791   7590   10/05/2006

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EXAMINER
BLUDAU, BRANDON S

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/621,244	CHOI ET AL.
Office Action Summary	Examiner	Art Unit
	Brandon S. Bludau	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Altschuler (US Patent 5,615,266).

2.   As per claim 1, Altschuler discloses a method for automatically entering into a

secure communication mode in a wireless communication terminal, comprising the

steps of:

        b) at a transmission terminal receiving a request for a secure communication

from a user and transmitting the token to a reception terminal; and

        c) at the transmission terminal entering into a secure communication mode

based on an acknowledge token transmitted from the reception terminal, and

performing secure communication with the reception terminal (column 4 line 46 –

column 5 line 10 and column 6 lines 6 –37).

        Altschuler does not disclose step a) generating a token based on a data having

the lowest frequency of generation among the voice data outputted from a vocoder of

the wireless communication terminal. Altschuler discloses a method of initiating a

secure communication mode using a tone distinctive from tones used in transmitting the

voice data (column 4 lines 59-64). It would be obvious for one of ordinary skill in the art

to modify Altschuler to include wherein the distinctive tone is one of a lowest frequency

generated from the vocoder (which is discussed as a common feature for voice

communication in column 3 line 63-65). The distinctive tone of Altschuler is the same

nature of the data used to transmit voice data, yet it is distinguishable from the voice

data so that the terminal may initiate secure mode. The functionality of Altschuler is the

same as the immediate application, and one of ordinary skill in the art may find it

obvious to generate a distinctive signal based on data that is rarely generated as this

would be a distinctive signal that may initiate secure communication mode.

3.   Claim 9 is rejected because it discloses similar subject matter to claim 1.

4.   Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Altschuler (US Patent 5,615,266) and further in view of Kung (US 6,889,321).

5.   As per claim 2, Altschuler discloses the method as recited in claim 1, but does

not disclose wherein the token includes a data having the lowest generation frequency

among the data of voice packet data outputted from the vocoder as a token header.

Kung discloses a method of generating a token for entering secure

communication mode, wherein in view of the arguments above, it would be necessary

that the secure signal may be the packet header for signaling initiating the secure mode

(column 32 lines 30-49 wherein it is well known and established in the art for using

packet headers to distinguish packet data such as a secure mode initiation data as

discussed) .

Kung is analogous art because it is directed to a method of protecting telephony

calls using encryption.

It would be obvious in view of the arguments above for one of ordinary skill in the art to modify Altschuler to include wherein the secure mode initiation signal is embodied in a packet header.

Motivation for one of ordinary skill in the art to modify Altschuler as discussed above would be to implement a method wherein a packet header distinguishes normal voice data from secure data so as to signal an initiation into secure communication mode as is evident in the art as discussed.

6.   As per claim 3, Altschuler discloses the method as recited in claim 1, but does not disclose wherein the token is shorter than the maximum length of the data outputted from the vocoder.

The examiner notes that it is a common occurrence in the art to generate packets that are shorter than the maximum length supported by the communication protocol or processor. This would be evident in view of Kung wherein the initiating packet carries a key that may necessarily be of shorter length than the voice data to be encrypted.

Kung is analogous art as discussed above in rejection to claim 2. Motivation for combing Kung and Altschuler are also discussed above.

7.   As per claim 4, Altschuler discloses the method as recited in claim 3, wherein the token includes a key used in an encryption algorithm for the secure communication (Altschuler: column 7 lines 6-37 and Kung: column 33 lines 8-15).

8.   As per claim 5, Altschuler discloses the method as recited in claim 1, wherein in the step b), the token is transmitted repeatedly a predetermined times (column 5 lines

30-35 wherein the secure signal is transmitted repeatedly until secure signal is noticed at the receiving terminal).

9.   As per claim 6, Altschuler discloses the method as recited in claim 5, wherein in the step b), the repeated transmission of the token stops when the acknowledge token transmitted from the reception terminal is received (column 4 line 46 – column 5 line 10 and column 6 lines 6 –37 wherein it is commonly practiced in packet networks as discussed in view of Kung (see claim 2) to generate and receive acknowledge packets signifying the data was properly received at the reception terminal).

10.   As per claim 7, Altschuler discloses the method as recited in claim 1, further comprising the steps of:

f) at the reception terminal checking out if the token transmitted from the transmission terminal is received, and transmitting the token formed in the step a) as an acknowledge token to the transmission terminal; and

g) at the reception terminal entering into a secure communication mode and performing secure communication with the transmission terminal (column 4 line 46 – column 5 line 10 and column 6 lines 6 –37 wherein it is commonly practiced in packet networks as discussed in view of Kung (see claim 2) to generate and receive acknowledge packets signifying the data was properly received at the reception terminal).

11.   As per claim 8, Altschuler discloses the method as recited in claim 7, wherein the step f) includes the step of:

h) checking out if a session key generated in the transmission terminal and included in the token is matched with a session key generated in the reception terminal using a master key (column 7 line 65 – column 8 line 66).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Bludau whose telephone number is 571-272-3722. The examiner can normally be reached on Monday -Friday 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon S Bludau
Examiner
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